

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

MICHAEL NELLUMS

PLAINTIFF

v.

No. 4:19-cv-751-DPM

NORTH LITTLE ROCK SCHOOL DISTRICT

DEFENDANT

ORDER

1. The Court directs the Clerk to correct the docket. *Doc. 27* is a motion to reply. The motion is granted. And the embedded reply is deemed filed.

2. Nellums's motion to voluntarily dismiss his case, *Doc. 24*, is granted. Most of the District's work will be useful if the case is refiled. And the District may seek any sunk costs, including attorney's fees. FED. R. CIV. P. 41(d); *Evans v. Safeway Stores, Inc.*, 623 F.2d 121, 122 (8th Cir. 1980). This option will, the Court concludes, eliminate any real prejudice from the tardy nonsuit. The District's motion for summary judgment, *Doc. 21*, is denied as moot.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

7 October 2020